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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,817	11/22/2002	Anthony Chao	36287.03900	9643
21967 7590 04/16/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER PRIETO, BEATRIZ	
			ART UNIT 2142	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/065,817

Applicant(s)

CHAO ET AL.

Examiner

Prieto B.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This communication is in reply to a Response filed under 37 C.F.R. §1.111 on 1/24/07, with or without amendment, claims 1-14 and new 15-19 remain pending.

Claim Rejection under 103

2. Quotation of 35 U.S.C. §103(a), which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

3. Claims 1-14 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiyagarajan et. al. (US 2004/0054854) (Thiyagarajan hereafter) in view of Chow et. al. (US 6,029,175)

Regarding claim 1, Thiyagarajan

creating a cache storing data accessed from a database [claim 9];

performing a refresh of the data-cache from the database [0043];

identifying change in the cache [0054];

responsive to the change in the cache, sending a message to a "client" computer [0054 or 0047-49]; and

responsive to the message, automatically accessing the changed data [0054-0055] including requesting the changed data [047, 0115, 042]; and

updating the information on the client computer with the changed data [0054-0055]; although Thiyagarajan teaches accessing changed data for updating the information on the client with the changed data, he does not explicitly state where taught accessing the changed data responsive to the message is particularly, in the form of a request and further where the client is a computer, as now claimed.

Chow teaches where a message is sent to a client computer (e.g. the browser residing on the client computer) responsive to a change in the data cache (col. 4, lines 40-44 and col. 6, line 7-11). Chow further teaches

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creating a cache (Fig. 4, element 19) as a selective subset of a data retrieved through a server (Fig. 4, element 4) (col 4, line 1-10) retrieved from database (col 39, lines 65-col 40, line 9) from the client;

performing an update of the data cache from the database (col. 5, lines 61-62, col. 5, line 64-col. 6, line 9), updating the cache to reflect to most recent changes (col. 18, lines 39-42);

responsive to identified changes in the data cache notifying the client computer (col. 4, lines 40-44 and col. 6, line 7-11);

responsive to the message, the browser requesting, (i.e. automatically) the changed data (col. 6, lines 11-15);

the browser accessing the changed data and updating the information on the client with the changed data (col. 4, lines 31-39),

particularly, wherein the browser automatically request the changed data (col. 11, lines 6-17)

where the browser issues a request for accessing the changed data from the changed data in the data cache and updates the information on the client computer with the changed data such that it updates its view to corresponding with the most recently accessed updated data (col. 6, lines 7-15);

where update the information includes updating object data within a document (information), such that the browser displays an updated information (col. 6, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the means of Chow for notifying client device users of updates enabling the client device browser to generated request for fetching updates utilizes the updates identified in the notification and the address from the server device hosting said updated, thus making the request independent of the intermediate computers handling the notification particularly when transmission is over the Internet. One would be motivated to update information on the client computer such as stock-ticker data in which content within a document changes rapidly updating the browser's display which such information changes automatically updating documents on the client updating information within a previously viewed document, as taught by Chow.

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Regarding claims 2-3, responsive to a request from the client to the server, sending a set of data from the data cache to the client over an established connection responsive to a request from the client to the server [Thiyagarajan: 0011], and wherein the connection uses HTTP protocol [Thiyagarajan: 046].

Regarding claims 4-5 and 7, establishing a connection between the client and a server; and sending the message to the client from the server using the connection, wherein the connection uses a protocol [Thiyagarajan: 0046] and wherein the message has at least two states, one state indicating no change in the data cache, and the other state indicating change in the data cache [Thiyagarajan: 0015 and Chow: col. 19, lines 27-48 and col. 10, lines 62-63, col. 19, lines 42-48).

Regarding claim 6, establishing a first connection between the client and a server [Thiyagarajan; Fig. 2-3];

establishing a second connection between the client and the server [Thiyagarajan: Fig. 2-3, 0015];

responsive to a request from the client to the server, sending a set of data from the data cache to the client over the first connection [Thiyagarajan 0011];

sending the message to the client from the server using the second connection [Thiyagarajan: Fig. 2, 0013, 0015]; and

responsive to the message, automatically sending the request for the changed data from the client to the server using the first connection [Thiyagarajan: 042, 047, 015]

Regarding claim 8, wherein requesting the changed date is responsive to the message state indicating change in the data cache [Thiyagarajan: 0054]

Regarding claim 9, wherein the message is periodic [Thiyagarajan; Fig. 5a-b].

Regarding claim 10, wherein the message is aperiodic [Thiyagarajan: 047].

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Regarding claim 11, creating a data cache in a RAM cache of an application server as a subset of a larger database [Thiyagarajan: claim 9];

establishing an data connection between the client and the application server over a network [Thiyagarajan: Fig. 2-3, 006];

establishing a connection between the client and the application server [Thiyagarajan: Fig. 2-3;

responsive to a resource request from the client, sending an file via the connection to the client, the file reflecting data cached at the time of said request, caching requested resources for subsequent requests [0011], requested resources including web resources [0050]; and after cached, performing a periodic refresh of the data cache from the larger database [0054].

Regarding claim 12, this computer executable software code transmitted as an information signal, the code for updating information on a client computer, the code corresponding to the functions associated to the method discussed on claim 1, same rationale of rejection is applicable.

Regarding claim 13, this computer readable medium having computer executable code stored thereon, the code for updating information on a client computer, the code corresponding to the functions associated with the method discussed on claim 1, same rationale of rejection is applicable

Regarding claim 14, this programmed computer claim for updating information on a client computer, having the corresponding memory, processor and the code for performing the method discussed on claim 1, same rationale of rejection is applicable.

Regarding claim 15. wherein the data cache and the database are hosted by different servers (Chow col. 39, lines 65 to col. 40, line 9).

Regarding claim 16, wherein the step of sending a message to the client computer comprises:

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sending the message to a client browser running on the client computer (Chow col. 4, lines 40-44 and col. 6, line 7-11).

Regarding claim 17, wherein the step of automatically requesting the changed data comprises: the client browser requesting the changed data (Chow: col. 4, lines 31-39, the browser automatically request the changed data col. 11, lines 6-17, browser it updates its view to corresponding with the most recently accessed updated data col. 6, lines 7-15).

Regarding claim 18, wherein the step of updating the information on the client computer comprises: the client browser receiving the changed data; and displaying updating information with the changed data to the user (Chow: col. 4, lines 31-39, the browser automatically request the changed data col. 11, lines 6-17, browser it updates its view to corresponding with the most recently accessed updated data col. 6, lines 7-15).

Regarding claim 19, the above-mentioned combined references teach:

creating a cache storing data accessed from a database [Thiyagarajan claim 9 and Chow: creating a cache (Chow Fig. 4, element 19) as a selective subset of a data retrieved through a server (Chow Fig. 4, element 4, col 4, line 1-10) retrieved from database (Chow col 39, lines 65-col 40, line 9) from the client];

performing a refresh of the data cache from the database [Thiyagarajan 0043 and Chow: performing an update of the data cache from the database (Chow col. 5, lines 61-62, col. 5, line 64-col. 6, line 9), updating the cache to reflect to most recent changes (col. 18, lines 39-42)];

identifying change in the cache [Thiyagarajan 0054 and Chow: responsive to identified changes in the data cache notifying the client computer (col. 4, lines 40-44 and col. 6, line 7-11)];

responsive to the change in the cache, sending a message to a client computer [Thiyagarajan 0054 or 0047-49 and Chow col. 4, lines 40-44 and col. 6, lines 7-11]; and

responsive to the message, automatically accessing the changed data [Thiyagarajan 0054-0055] including requesting the changed data [Thiyagarajan 047, 0115, 042]; and

updating the information on the client computer with the changed data [Thiyagarajan 0054-0055]; although Thiyagarajan teaches accessing changed data for updating the information on the client with the changed data, he does not explicitly state where taught accessing the changed data responsive to the message is particularly, in the form of a request and further where the client is computer, as now claimed.

Chow teaches where a message is sent to a client computer (e.g. the browser residing on the client computer) responsive to a change in the data cache (col. 4, lines 40-44 and col. 6, line 7-11). Chow further teaches

responsive to the message, the browser requesting, (i.e. automatically) the changed data (col. 6, lines 11-15);

the browser accessing the changed data and updating the information on the client with the changed data (col. 4, lines 31-39),

particularly, wherein the browser automatically request the changed data (col. 11, lines 6-17);

where the browser issues a request for accessing the changed data from the changed data in the data cache and updates the information on the client computer with the changed data such that it updates its view to corresponding with the most recently accessed updated data (col. 6, lines 7-15)

where update the information includes updating that within a document, such that the browser displays an updated information (col. 6, lines 40-50) and

further teaching where the where notification of changes include one or more status codes, where one status code indicating that changes have occur (col. 19, lines 27-32) and another indicates that changes have not occur (col. 10, lines 62-63, col. 19, lines 42-48).

Response to Arguments

4. Regarding claim 1, it is argued (p. 8 of remarks) that “Thiyagarajan does not disclose actions that occur after the cache is updated, such as updating information on a client computer.”

In response to the above-mentioned argument, Applicant’s interpretation of the applied

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reference has been considered. However, Thiyyagarajan discloses that “when data is changed or updated on the central database, it is important to make sure the data stored in the cache memory at the client reflects the changes also.” [see par 0012]. Thiyyagarajan discloses that “one way to update cache memory is to do periodically access the data store and refresh the cache to reflect the changes made to the database [see par 0013].

Arguments that Thiyyagarajan does not disclose actions that occur after the cache is updated, such as updating information on a client computer, are not persuasive.

5. Regarding claims 1-14 rejected as obvious over Thiyyagarajan in view of Boyle it is argued (p. 11 of remarks) that there is no evidence of motivation to combine the multiple references because one seeking to modify a hybrid method of updating cache memory in a client server system such as that discloses by Thiyyagarajan would not be concerned with the limited bandwidth issues that face wireless mobile device.

In response to the above-mentioned argument, applicant's opinion has been noted. However, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). “The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain.” *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)) (see MPEP 2121.04). Thus, it is unclear under what requirement would Thiyyagarajan need be concerned with the limited bandwidth issues that face wireless mobile device. Under what requirement would Thiyyagarajan need to be concern with communication over the airnet.

The disclosure of the Boyle reference was reviewed. In this case, the reference recites: “There is, therefore, a great need for a solution for informing users of any updates to their desired information and allowing the users to retrieve the updated information when needed. Further, in a circuit-switched network, such as GSM, a mobile device must establish a circuit in a carrier infrastructure via a wideband channel before communicating with any server on the

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network. The connection, similar to a telephone line, can be both time consuming and costly to the users. Hence users generally prefer to have controls over the communication of their mobile devices through the carrier infrastructure when accessing updated information from a web server.” (column 1, lines 56-67).

Applicant’s assessment the Boyle is “specifically is concerned with the limited amount of bandwidth available to wireless, mobile devices, such as personal digital assistants” has been fully considered but found inconsistent with the disclosure of the reference.

6. Regarding claims 1-14 rejected as obvious over Thiagarajan in view of Boyle it is argued (p. 11 of remarks) that Thiagarajan does not disclose, based on a change in the cache, updating information on any user devices, such as a client computer.

In response to the above-mentioned argument, applicant’s interpretation of the applied reference has been considered.

The claimed term “data cache” has been interpreted in light of the specification. The specification has been relied on for explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term “data cache” when applicant acts as his or her own lexicographer; the meaning of the claimed term “data cache” may be defined by implication, that is, according to the usage of the term in the context in the specification. The term “data cache” appears to have not deliberate and precise definition that will control its interpretation in the claim. The plain meaning of the term cache is a special memory subsystem in which frequently used data values are duplicated for quick access. The meaning of the claimed term cache within the context of the claim, i.e. a created data cache as a subset of a larger database has been considered. In this case, the broadest reasonable interpretation in light of the specification, consistent with the plain meaning and within the context of the claim has been applied. Specifically, the claimed term data cache has been interpreted as memory, being consistent with the plain meaning and consistent with the claim which requires it to be a subset of a database.

The claimed term “client computer” has been interpreted in light of the specification. The specification has been relied on for explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term “client computer” when applicant acts as his or her own

lexicographer; the meaning of the claimed term “client computer” may be defined by implication, that is, according to the usage of the term in the context in the specification. The term “client computer” appears to have not deliberate and precise definition that will control its interpretation in the claim. The plain meaning of the term “client computer” is any machine that does three things: accepts structure input, processes it and produces an output. The meaning of the claimed term “client computer” within the context of the claim, as a machine to which a message is sent and information thereon is updated with the changed data. In this case, the broadest reasonable interpretation in light of the specification, consistent with the plain meaning and within the context of the claim has been applied. Namely, the claimed term client computer has been interpreted as a machine, being consistent with the plain meaning and consistent with the context of the claim.

Thiyagarajan disclose: [0012] It is well known that a cache memory greatly enhances the performance of remote servers, but there are some problems associated with the use of a cache memory. For example, data coherency is a major concern. When data is changed or updated on the central database, it is important to make sure the data stored in the cache memory at the client reflects the changes also. [0013] One way to update cache memory is to do periodically access the data store and refresh the cache to reflect the changes made to the database.

[0015] To alleviate the problems associated with periodic updates, many system administrators use a method of updating cache called notification. Fig. 3 is a prior art illustration 30 of a server system using notification for updating cache 229. In this system, a remote server 221 uses a dedicated data link for receiving notification of data changes from data store 205. Notification relies on the data store 205 to notify remote server 221 that data in the cache is inconsistent with the data stored on the data store. Data store 205 maintains a record of what information remote server 221 has in its cache. When changes are made to a piece of data that resides on the cache on the remote server 221, the data store 205 notifies the remote server 221 that data has changed. Accordingly, after receiving notification, the remote server 221 accesses the data store 205 for the data updates.

[0042] Initially the remote server accesses user policies stored on data store 205 and once the data is received, it is stored to a cache memory for future reference. Depending on the

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cache update policies, the data stored in cache memory is updated by multiple methods. For example, if notification is used, the data store 205 will notify remote server 221 that data has been changed. As a result, the remote server 221 will access the data store 205 for an update.

[0044] Data store 205 comprises a database that keeps track of the data that remote server 221 has requested. As a result, when changes are made on the data store 205, only the remote server(s) using the data that was changed will receive notification of the change.

[0047] Based on the type of cache update method associated with the data in the cache memory, updates will occur periodically or the remote server will update the cache after being notified by the database 205 that the data has changed.

[0054] Once the data store has identified the data requested by a remote server, the data store waits for changes to be made to data that has been requested by a particular server. The next step 902 is to identify if there have been changes to data. If a change has been made, the data store sends notification to the remote server that data has changed 903.

Arguments that Thiyyagarajan does not disclose, based on a change in the cache, updating information on any user devices, such as a client computer have been considered but not found persuasive.

7. Regarding claim 1 rejected as obvious over Thiyyagarajan in view of Boyle it is argued (p. 13 of remarks) that Boyle does not disclose the step of responsive to the message, automatically requesting the changed data. Because according to applicant's interpretation, the user of the device is required to manually request the update.

In response to the above-mentioned argument, applicant seems to argue that the reference teaches responsive to the change in the data cache, sending a message to the client computer and responsive to the message requesting the changed data but it is not performed automatically, as claimed. Chow particularly, teaches sending the message to a client computer, as now claimed, including further teaches responsive to the message, the browser requesting, (i.e. automatically) the changed data (col. 6, lines 11-15); the browser accessing the changed data and updating the information on the client with the changed data (col. 4, lines 31-39), and particularly, wherein the browser automatically request the changed data (col. 11, lines 6-17).

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8. Regarding claim 1 rejected as obvious over Thiyyagarajan in view of Boyle it is argued (p. 13 of remarks) that Thiyyagarajan does not disclose response to the change in the data cache, sending a message to the client.

In response to the above-mentioned argument, applicant's interpretation of the applied reference has been considered. In this case, Thiyyagarajan discloses:

[0044] Data store 205 comprises a database that keeps track of the data that remote server 221 has requested. As a result, when changes are made on the data store 205, only the remote server(s) using the data that was changed will receive notification of the change.

[0047] Based on the type of cache update method associated with the data in the cache memory, updates will occur periodically or the remote server will update the cache after being notified by the database 205 that the data has changed.

[0054] Once the data store has identified the data requested by a remote server, the data store waits for changes to be made to data that has been requested by a particular server. The next step 902 is to identify if there have been changes to data. If a change has been made, the data store sends notification to the remote server that data has changed 903.

Applicant's argument that Thiyyagarajan does not disclose response to the change in the data cache, sending a message to the client has been fully considered but not found persuasive.

9. Regarding claim 1 rejected as obvious over Thiyyagarajan in view of Boyle it is argued (p. 13 of remarks) that Thiyyagarajan does not disclose updating the information on the client computer with the changed data because the reference only teaches updating a cache memory.

In response to the above-mentioned argument, applicant's interpretation has been considered. At this outset, [AS BEST UNDERSTOOD] applicant's point of contention that "updating information on the client computer" is not the same as updating a cache memory on the client computer.

Thiyyagarajan teaches where the cache (229) on the remote server/client (221) is updated to reflect the changes made on the data store (database). Specifically, [see par 0012] It is well known that a cache memory greatly enhances the performance of remote servers, but there are some problems associated with the use of a cache memory. For example, data coherency is a major concern. When data is changed or updated on the central database, it is important to

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make sure the data stored in the cache memory at the client reflects the changes also. [see par 0013] One way to update cache memory is to do periodically access the data store and refresh the cache to reflect the changes made to the database. [see par 0015] To alleviate the problems associated with periodic updates, many system administrators use a method of updating cache called notification. Fig. 3 is a prior art illustration 30 of a server system using notification for updating cache 229. In this system, a remote server 221 uses a dedicated data link for receiving notification of data changes from data store 205. Notification relies on the data store 205 to notify remote server 221 that data in the cache is inconsistent with the data stored on the data store. Data store 205 maintains a record of what information remote server 221 has in its cache. When changes are made to a piece of data that resides on the cache on the remote server 221, the data store 205 notifies the remote server 221 that data has changed. Accordingly, after receiving notification, the remote server 221 accesses the data store 205 for the data updates.

Applicant's arguments that does not disclose updating the information on the client computer with the changed data because the reference only teaches updating a cache memory has been considered but not found persuasive.

10. Regarding claim 7 rejected as obvious over Thiyyagarajan in view of Boyle it is argued (p. 14 of remarks) that Thiyyagarajan does not disclose where the message has at least two states, one state indicating no change in the data cache and the other state indicated cache in the data cache, because the cited reference does teach sending a message response to the change in the data cache, but the message does not include the state indicated that no change in the data cache.

However, Chow teaches where update the information includes updating that within a document, such that the browser displays an updated information (col. 6, lines 40-50) and further teaching where the where notification-response of changes include one or more status codes, where one status code indicating that changes have occur (col. 19, lines 27-32) and another indicates that changes have not occur (col. 10, lines 62-63, col. 19, lines 42-48).

11. All applicant's arguments have been fully considered but not found persuasive.

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12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form (see 1.113). If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 USC 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see MPEP 706.07).

14. An amendment filed after final rejection is not entered as a matter of right and must be filed in compliance with 37 CFR 1.116 or 1.312, respectively (see MPEP 201). An amendment that will place the application either in condition for allowance or in better form for appeal may be admitted. Amendments complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(a) (see MPEP 706.07(e)) may also be admitted. Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(c) is expected in all

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amendments after final rejection (see MPEP 714.13). An amendment filed at any time after final rejection, but before an appeal brief is filed, may be entered upon or after filing of an appeal brief provided the total effect of the amendment is to (A) remove issues for appeal, and/or (B) adopt examiner suggestions (MPEP 714.13 see also MPEP § 1207 and § 1211).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Thursday from 5:30 to 2:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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Alexandria, VA 22313-1450

Hand carried or delivered to:

Customer Service Window located at the Randolph Bldg.
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Alexandria, VA 22314

Faxed to the Central Fax Office:

(571) 273-8300 (New Central Fax No.)

Or Telephone:

(571) 272-2100 for TC 2100 Customer Service Office.

BEATRIZ PRIETO
PRIMARY EXAMINER